

REMARKS

Favorable reconsideration in view of the previous amendment and following remarks is respectfully requested.

Claims 8 and 10-21 are pending.

Applicants appreciate the courtesies extended to Applicants' representative during the February 10, 2009 telephone discussion. The substance of the discussion is incorporated into the remarks herein and constitutes Applicants' record of the discussion.

Information Disclosure Statements

Applicants again respectfully request consideration of the Information Disclosure Statements filed July 13, 2006, October 23, 2007 and April 8, 2008.¹ The July 30, 2008 Office Action indicates that the Information Disclosure Statement filed April 8, 2008 fails to comply with 37 C.F.R. §1.98(a)(3) because it does not include a concise explanation of the relevance of each patent listed that is not in the English language. However, in accordance with the duty of disclosure requirements, an English abstract of each reference was attached thereto. These abstracts fulfill the requirement for a concise explanation. MPEP §609.04(a) III wherein it states that "submission of an English language Abstract of a reference may fulfill the requirement for a concise explanation." Furthermore, reference JP 2001-104212 is cited in the specification, and its relevance is explained therein.

¹ The Office Action contains two separate objections, both of which refer to the Information Disclosure Statement dated April 8, 2008. However, the Office Action is accompanied by copies of Form PTO-1449 that accompanied each of the Information Disclosure Statement's filed July 13, 2006, October 23, 2007 and April 8, 2008, in which the reference citations were crossed out. It is not clear whether the two earlier Information Disclosure Statement's are objected to on the same basis, or different basis.

The July 30, 2008 Office Action also indicates that the Information Disclosure Statement filed April 8, 2008 fails to comply with the provisions of 37 C.F.R. §1.97, §1.98 and MPEP §609 because the statement made under Rule 97(e) does not state that the search report is based on a foreign counterpart application. First, there is no such requirement in the rule. The statement appearing in the Information Disclosure Statement precisely tracks the language of the rule. Moreover, §1.97(e) is irrelevant in the present situation because the April 8, 2008 Information Disclosure Statement was filed before the mailing of a first Office Action on the merits.

Rejection Under 35 U.S.C. §103

The December 11, 2008 Office Action rejects claims 8-21 under 35 U.S.C. §103(a) over U.S. Patent No. 5,459,944 to *Tatsutani et al.* in view of U.S. Patent No. 2,853,691 to *Fine*, U.S. Patent No. 2,859,535 to *Carlson* and JP 2004-261510 to *Kameishi* (inadvertently identified as JP 2004-261520 to *Toto*). This rejection is respectfully traversed.

Applicants' independent claim 8 is directed to a hand drying apparatus comprising, in combination with other claimed features, a first air nozzle including a plurality of slit shaped first holes arranged in a first line, each having a first length along the first line, and a plurality of first intervals, each having a third length along the first line, between the first holes. The hand drying apparatus further comprises a second air nozzle including a plurality of slit shaped second holes arranged in a second line parallel to and opposite the first line, each having a second length along the second line, and a plurality of second intervals each having a fourth length along

the second line, between the second holes. The first length and the second length are different or the third length and the fourth length are different.

Tatsutani discloses upper and lower air ducts 30 and 31 extended into a flattened trumpet like shape and having a slit-like open end which laterally elongates. The upper and lower blowout nozzles 32 and 33 are attached to the slit-like open ends respectively. A plurality of nozzle holes 34 are formed in a row so that the high-pressure air flow is blown out through the nozzle holes. *Carlson* discloses a hand dryer including a concave dished plate 3 having a plurality of elongated slots 4. Only the two central slots 4 are arranged in a line. *Kameishi* discloses in Fig. 9, a single slit with no intervals. In Fig. 10, two slits with a single interval are arranged in separate lines. Thus, *Kameishi* does not disclose a plurality of slit-shaped first holes arranged in a line, and a plurality of first intervals. Thus, withdrawal of the rejection of Applicants' independent claim 8 is respectfully requested.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, dependent claims 11, 14, 17 and 20 recite that a plurality of concave portions are formed on inner walls of the first holes and the second holes. Dependent claims 12, 15, 18 and 21 recite that a plurality of convex portions are formed on the inner wall of the first holes and the second holes. Dependent claim 13 recites first and second air nozzles are configured such that high-pressure airflows injected from the first air nozzle and high-pressure airflows injected from the second air nozzle collide at a plurality of first regions, the high-pressure airflows injected from the first air nozzle and the high-pressure airflows injected from the second air nozzle do not collide at least one second region and the first regions have different lengths, and the at least one

second region is between the first regions. These features are not disclosed in any of the applied references.

Fine does not overcome the deficiencies of *Tatsutani*, *Carlson* and *Kameishi* noted above.

Double Patenting Rejection

The Office Action provisionally rejects claims 8-21 on the grounds of non-statutory obviousness type double patenting over claims 11-20 of copending Application No. 10/585,143. Applicants appreciate the courtesies extended to Applicants' representative during the September 17, 2008 telephone discussion wherein it was confirmed that the Examiner mistakenly referred to Application No. 11/585,143. The Examiner intended to cite co-pending Application No. 10/585,143 in the non-statutory obviousness type double patenting objection. This rejection is respectfully traversed.

Claims 11-20 of co-pending Application No. 10/585,143 in combination with *Carlson* do not provide the features of the plurality of slit shaped first holes and the plurality of slit shaped second holes along with the claimed combination of features of Applicants' independent claim 8. Further, the ordinarily skilled artisan would not have been motivated to combine the references. Paragraph [0039] of copending Application No. 10/585,143 teaches that the first air jet a from the first nozzle 15 and the second air jet c from the second nozzle 16 each is in the form of a divergent jet of air. *Carlson* discloses at column 1, line 72 to column 2, line 4 that the outlet opening has the effect of creating converging airstreams rather than diverging airstreams. Thus, the references are incompatible.

Withdrawal of the non-statutory obviousness type double patenting rejection is respectfully requested.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application; the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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